

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**BILLY HAMILTON,**

**Plaintiff,**

**v.**

**ILLINOIS CENTRAL RAILROAD  
COMPANY, d/b/a CN/IC,**

**Defendant.**

**No. 07-0383-DRH**

**ORDER**

**HERNDON, Chief Judge:**

Now before the Court is Plaintiff's motion to strike Defendant's motion to transfer under 28 U.S.C. § 1404(a) or in the alternative motion for extension of time to file a response to Defendant's motion to transfer (Doc. 42). In the interest of justice and judicial economy, the Court **GRANTS** the motion to strike and **STRIKES** Defendant's motion to transfer under 28 U.S.C. § 1404(a) (Doc. 37). As the parties and Court clearly are aware, Illinois Central is in default at this point in the litigation. Therefore, Illinois Central should not file any more pleadings in this case unless it relates to the pending motion to set aside default judgment. Once the Court rules on the motion to set aside default judgment, Defendant may renew its motion to transfer, if necessary.

**IT IS SO ORDERED.**

Signed this 1st day of October, 2007.

/s/ David R Herndon  
Chief Judge  
United States District Court